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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,916

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Sang Woo Woo

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08/14/2009

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EXAMINER

HICKS, ROBERT J

ART UNIT

PAPER NUMBER

3781

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DELIVERY MODE

08/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,916	<b>Applicant(s)</b> WOO, SANG WOO	
	<b>Examiner</b> ROBERT J. HICKS	<b>Art Unit</b> 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Amended Claim 1 objected to because of the following informality: the phrase "...the silverware can be inserted in the cap regardless of a height of the cap" [Claim 1 Lines 4-5] could be written as "...the silverware can be inserted in the **basket** regardless of a height of the cap." Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

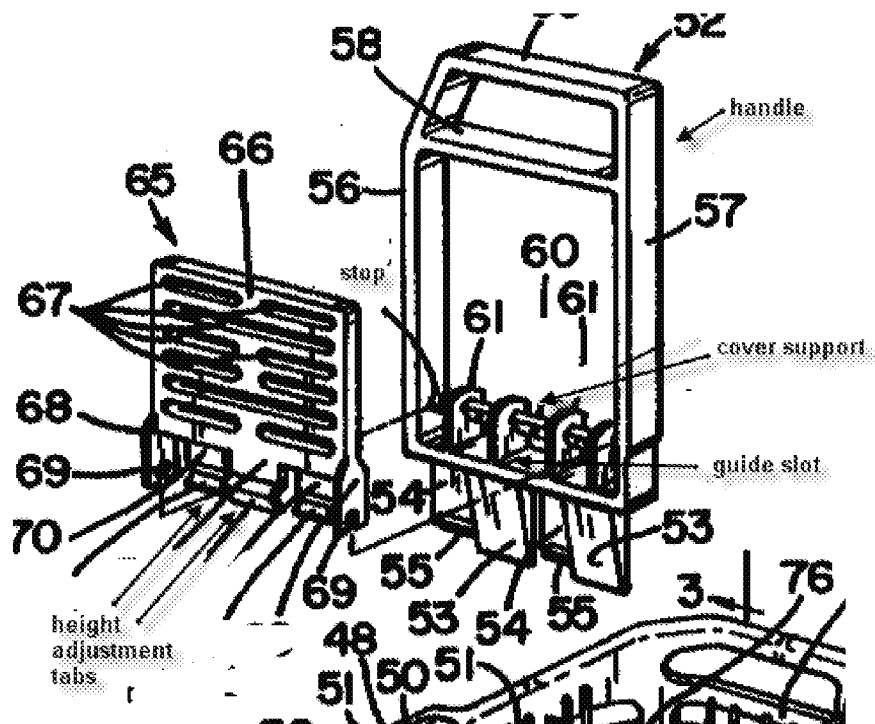
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-7 and 9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stottmann et al. (5,431,294) [Stottmann].**

4. Regarding Amended Claims 1 and 14, the patent to Stottmann – a flatware basket for a dishwasher – discloses a spoon basket of a dishwasher (10), comprising: a basket (31) for storing silverware (Abstract Lines 1-2); a basket handle (52) extending a predetermined length upward from the basket (Col. 1 Lines 45-46, plus Col. 3 Line 66 to Col. 4 Line 13); and a cap (65) adapted to move up and down by sliding along the basket handle (Figs. 2 and 4, Col. 4 Lines 42-43 and 57-63), wherein the silverware can be inserted in the basket (through holes 67) regardless of a height of the cap (Col. 4 Lines 57-63). Webster's Third International Dictionary defines the word slide as "to go with a smooth continuous motion", or "to change position or become dislocated; shift;

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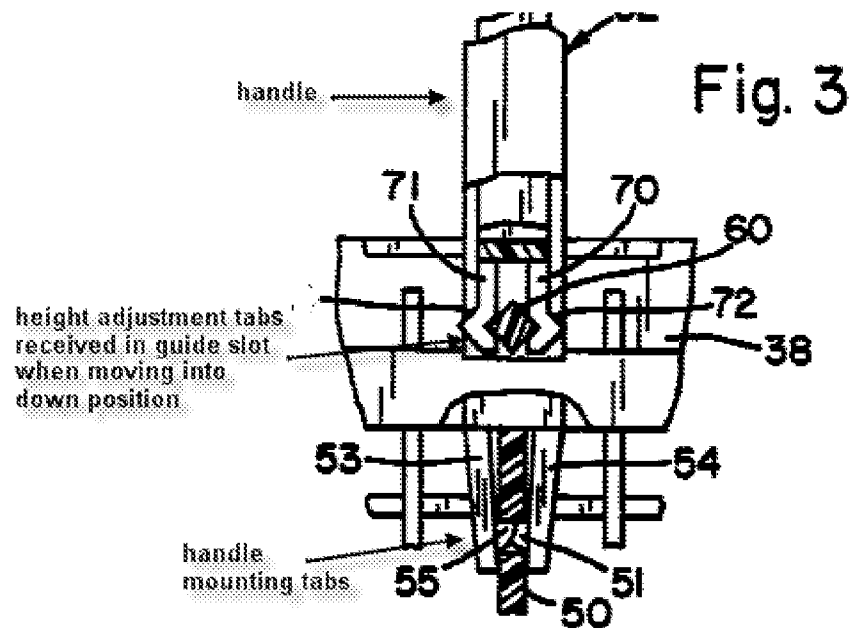
slip". The cover (**Stottmann**, 65) slides along the basket handle from a vertical position (**Stottmann**, Fig. 4) to a horizontal position (**Stottmann**, Fig. 2, Col. 4 Lines 57-63) in a smooth motion. In addition, the cap can be placed at a generally horizontal position (**Stottmann**, Col. 4 Lines 42-43). Silverware can still be placed through the holes (**Stottmann**, 67) and can be placed in the basket.



5. Regarding Amended Claim 7, Stottmann discloses a spoon basket of a dishwasher (10), comprising: a basket (30); a basket handle (52) extending a predetermined height from the basket (Col. 1 Lines 45-46, and Col. 3 Line 66 to Col. 4 Line 13); a cap support (60) formed at side surfaces of the basket handle and having a guide slot (underneath 60); and a cap (65) having a height-adjusting tab (72 and 73) which is inserted into the guide slot (Fig. 3) and adapted to slide up and down along the

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guide slot (Col. 4 Lines 42-43, and 57-63). The tabs are received in the guide slot underneath the cap support when the cover is slid to its horizontal position, and the tabs can slide along the guide slot when the cover is moved.



6. Regarding Claims 2 and 20, Stottmann discloses the cap is formed in a closed curvature (Fig. 2). The lower arms (**Stottmann**, 69) form part of the closed curvature of the cap.

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7. Regarding Claim 3, Stottmann discloses the cap includes a side concaved a predetermined distance inward for resting against a predetermined portion of the basket handle (70-73, Fig. 2, Col. 4 Lines 28-32).

8. Regarding Claim 4, Stottmann discloses a height-adjusting tab (72 and 73) on at least one side thereof protruding a predetermined height (Fig. 2).

9. Regarding Claim 5, Stottmann discloses another basket (31) detachably disposed on at least one side thereof (Fig. 2).

10. Regarding Claim 6, Stottmann discloses a height-adjusting tab (72 and 73) and a guide slot (underneath 60) formed respectively on the cap and the basket handle to be mutually coupled, the height-adjusting tab and the guide slot for guiding an upward and downward movement of the cap (Col. 4 Lines 32-41).

11. Regarding Claim 9, Stottmann discloses the guide slot is formed of a predetermined width and length in a longitudinal direction of the cap support (Fig. 2).

12. Regarding Claim 10, Stottmann discloses a concaved central portion defining the guide slot (Fig. 2).

13. Regarding Claim 11, Stottmann discloses a stop (62) formed therein for stopping the upward and downward movement of the cap (Fig. 2).

14. Regarding Claim 12, Stottmann discloses the stop protrudes a predetermined distance from an extremity of the cap support forming the guide slot (Fig. 2).

15. Regarding Claim 13, Stottmann discloses the stop is formed at an upper portion of the guide slot (Fig. 2).

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16. Regarding Claim 15, Stottmann discloses the cap is spaced a predetermined distance from the basket (65, Fig. 2).

17. Regarding Claim 16, Stottmann discloses the cap is movable (Col. 4 Lines 32-37).

18. Regarding Claim 17, Stottmann discloses the basket handle (52) guides a movement of the cap (65, Col. 4 Lines 28-37).

19. Regarding Claim 18, Stottmann discloses the cap and the basket handle include an uneven portion formed thereon (70-73, and 60-62) for providing coupling therebetween to guide a movement of the cap (Col. 4 Lines 28-37).

20. Regarding Claim 19, Stottmann discloses a stop (62) formed therein for stopping the upward and downward movement of the cap (Fig. 2).

### ***Response to Arguments***

21. Applicant's arguments filed May 27, 2009 have been fully considered but they are not persuasive.

22. In response to applicant's argument that the Stottmann reference fails to show certain features of applicant's invention regarding amended claims 1 and 14 {**Remarks**, Page 6 Line 13 to Page 7 Line 7, plus Page 8 Lines 3-9}, see Paragraph 4 of this office action to see how Stottmann meets the claim limitations as set forth in the amended claims 1 and 14.

23. In response to applicant's argument that the Stottmann reference fails to show certain features of applicant's invention regarding amended claim 7 {**Remarks**, Page 7

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Line 8 to Page 8 Line 2}, see Paragraph 5 of this office action to see how Stottmann meets the claim limitations as set forth for amended claim 7.

### ***Conclusion***

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. HICKS whose telephone number is (571)270-1893. The examiner can normally be reached on Monday-Friday, 8:30 AM - 5:00 PM, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert J Hicks/  
Examiner, Art Unit 3781

/Anthony Stashick/  
Supervisory Patent Examiner, Art  
Unit 3781